

The Office's attention is directed to its own "Synopsis of Application of Written Description Guidelines" (hereinafter referred to as the "Guidelines"), posted on www.uspto.gov, a copy of which is submitted herewith for convenience.

In Example 11 of the Guidelines (beginning at page 41), hypothetical Claim 1 recites "An isolated DNA that encodes protein A (SEQ ID NO: 2)." As described at the bottom of page 41 of the Guidelines, one would conclude that the applicant was in possession of the invention based on the specification and the general knowledge of the genetic code, i.e., that all of the codons encoding a particular amino acid are well-known in the art. For the same reasons, one would conclude that the present Applicants were in possession of the isolated polynucleotide recited in Claim 53 at the time the present application was filed.

Claim 59 is directed to an isolated polynucleotide from *Corynebacterium glutamicum* which hybridizes under stringent conditions to SEQ ID NO: 1 or the full complement of SEQ ID NO: 1, where the stringent conditions comprise washing in 5X SSC at a temperature from 50 to 68°C, and where the polynucleotide encodes a protein having the activity of SEQ ID NO: 2.

The Office's attention is directed to Example 9 of the Guidelines (beginning at page 35). In this Example, the hypothetical claim reads as follows:

An isolated nucleic acid that specifically hybridizes under highly stringent conditions to the complement of the sequence set forth in SEQ ID NO: 1, wherein said nucleic acid encodes a protein that binds to a dopamine receptor and stimulates adenylate cyclase activity.

As described at pages 36-37 of the Guidelines, the applicants were in possession of the claimed nucleic acid since one skilled in the art would not expect substantial variation among species encompassed within the scope of the claim because the hybridization conditions

recited in the claims yield structurally similar DNAs. For the same reasons, one would conclude that the present Applicants were in possession of the isolated polynucleotide recited in Claim 59 at the time the present application was filed.

Based on the foregoing, withdrawal of this ground of rejection is respectfully requested.

Regarding the rejection under 35 U.S.C. §112, first paragraph, set forth at paragraph 6 of the Official Action dated August 13, 2002, Applicants confirm that the plasmid has been deposited under the terms of the Budapest Treaty, and that all restrictions on public availability will be irrevocably removed upon the grant of a patent from the present application.

The rejection under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendment submitted above. The newly-added claims do not contain the language noted in the rejection. Accordingly, the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Withdrawal of this ground of rejection is respectfully requested.

At paragraph 2 of the Official Action dated August 13, 2002, the Examiner states that an Information Disclosure Statement (IDS) filed on November 6, 2001 did not comply with the Rules. First, Applicants did not file an IDS on November 6, 2001. Applicants did file an IDS on December 5, 2001 listing related cases. This list of related cases is proper, and Applicants respectfully request the Office to consider the information cited therein.

At paragraph 3 of the Official Action dated August 13, 2002, the Examiner states that the IDS filed on January 30, 2001 (paper 10) did not comply with the Rules. First, Applicants did not file an IDS on January 30, 2001. If the Examiner is referring to the IDS filed on January 25, 2002, then that IDS did comply with the Rules. The relevancy of the references cited therein is that they were cited in the International Search Report submitted as part of the

IDS. Accordingly, consideration of all of the information cited in the IDS is respectfully requested.

The rejection of Claim 11 under 35 U.S.C. §102(b) over Ventura et al. is obviated by the cancellation of this claim. Newly-added Claim 64 recites an isolated polynucleotide consisting of at least 30 consecutive nucleotides of SEQ ID NO: 1, which is not described by the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Please cancel Claims 1-4, 8, 9, 11-13, 20-36, and 39-52.

(New) Claims 53-82.